



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 7, 1998

Mr. Sim W. Goodall
Police Legal Advisor
City of Arlington
P.O. Box 1065
Arlington, Texas 76004-1065

OR98-0055

Dear Mr. Goodall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 111709.

The City of Arlington Police Department (the "department") received a request for all information regarding a particular shooting incident. You claim that the department's file regarding this matter is excepted from disclosure pursuant to section 552.108 of the Government Code and is confidential pursuant to the former section 51.14 of the Family Code. We have considered your arguments and have reviewed the documents at issue.

Prior to its repeal by the Seventy-fourth Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records.¹ Law enforcement records pertaining to conduct occurring before January 1, 1996 are governed by the former section 51.14(d), which was continued in effect for that purpose. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591 (Vernon). The documents at issue pertain to juvenile conduct that occurred before January 1, 1996. Therefore, section 51.14(d) is applicable to the documents. Section 51.14(d) provides in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for

¹We note that the Seventy-fourth Legislature repealed section 51.14 of the Family Code and replaced it with section 58.007 of the Family Code. We note also that the Seventy-fifth Legislature amended section 58.007 of the Family Code.

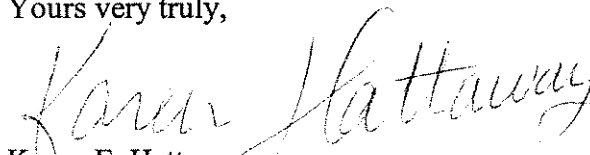
prosecution, the law-enforcement files and records [of a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

In this case, section 51.14(d) makes the requested documents confidential. Therefore, the department must withhold these documents from the requestor.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 111709

Enclosures: Submitted documents

cc: Mr. Chris Lennan
G. Patrick Collins & Associates
2521 E. Lamar Blvd., Suite 300
Arlington, Texas 76006
(w/o enclosures)

²Because we are able to resolve this matter under the former section 51.14 of the Family Code, we need not address your arguments under section 552.108 of the Government Code.